

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

v. CIVIL ACTION NO. 5:18-cr-028-DCB-LRA

SHAWNVEON HOLIDAY DEFENDANT

ORDER

This matter is before the Court on the Defendant Shawnveon Holiday ("Holiday")'s Motion for Copies [ECF No. 56]. On March 31, 2020, Holiday moved for copies of his sentencing transcript, plea transcript, docket sheet, and indictment - or in the alternative a copy of the judgment and commitment order - so that he can "proceed with his Habeas Corpus proceeding." [ECF No. 56].

Notably, this request is identical to the request made on December 2, 2019. [ECF No. 52]. In an Order on March 2, 2020, this Court denied Defendant Holiday's requested documents. [ECF No. 55].

Title 28 U.S.C. § 2250 states that a movant for a Writ of Habeas Corpus is entitled to copies of court records without cost where he has been granted leave to proceed in forma pauperis, and his federal habeas motion is pending before the court. See Walton v. Davis, 730 Fed.Appx. 233, 234 (5th Cir. 2018). "The records

will not be provided where a movant contends that he needs them to formulate a claim or to review for facts that may support a potential habeas petition." Id. (citing United States v. Carvajal, 989 F.2d 170, 170 (5th Cir. 1993) (28 U.S.C. § 2255 case)). Because the Defendant Holiday has no Habeas Corpus petition pending before this Court, his request is foreclosed by § 2250 and shall be denied.

Accordingly,

IT IS HEREBY ORDERED that the Defendant Shawnveon Holiday's motion for copies [ECF No. 56] is DENIED.

SO ORDERED, this the 11th day of June, 2020.

/s/ David Bramlette

UNITED STATES DISTRICT JUDGE